

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 5621

IN THE MATTER OF:

Served June 7, 1999

Investigation of Unauthorized)
Transfer of Control from)
RESPONSECARE MOBILE HEALTH)
SERVICES, LLC, Trading as)
RESPONSECARE and RESPONSECARE)
MOBILITY SERVICES, WMATC No. 440,)
to LIFESTAR RESPONSE OF MARYLAND,)
INC., Trading as LIFESTAR)
RESPONSE, WMATC No. 310)

Case No. MP-99-27

Under the Compact, Commission approval must be obtained to transfer control over a WMATC carrier's assets, operations or certificate of authority.¹

Recently, an employee of LifeStar Response of Maryland, Inc., trading as LifeStar Response, WMATC No. 310, advised Commission staff that LifeStar Response had acquired control of the assets of ResponseCare Mobile Health Services, LLC, trading as ResponseCare and ResponseCare Mobility Services, WMATC No. 440. Staff subsequently confirmed that telephone calls placed to ResponseCare are connected to LifeStar Response. It thus appears that ResponseCare has transferred control of its operations to LifeStar Response without WMATC approval.

Staff wrote to ResponseCare on April 30, recommending that respondents file an application for Commission approval and requesting a reply by May 3. A copy of the letter was sent to LifeStar Response. Neither respondent replied to staff's letter.

Under Title II of the Compact, Article XIII, Section 1(c), the Commission may investigate a carrier on its own motion to determine whether a carrier has violated the Compact. Section 1(e) provides:

For the purpose of an investigation or other proceeding under this Act, the Commission may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of books, papers, correspondence, memoranda, contracts, agreements, or other records or evidence which the Commission considers relevant to the inquiry.

Article XII, Section 1(b) & (c), contains a parallel provision directed at WMATC carriers and carriers under common control with WMATC carriers:

The Commission shall have access at all times to the accounts, records, memoranda, lands, buildings, and

¹ Compact, tit. II, art. XI, § 11, & art. XII, § 3.

equipment of any carrier for inspection purposes. This section shall apply to any person controlling, controlled by, or under common control with a carrier subject to this Act, whether or not that person otherwise is subject to this Act.

If the Commission finds a person has violated the Compact, the Commission may issue an order compelling compliance and effecting other just and reasonable relief.² A person which knowingly and willfully violates a provision of the Compact is subject to a civil forfeiture of not more than \$1,000 for the first violation and not more than \$5,000 for each subsequent violation.³ Each day of the violation counts as a separate violation.⁴

We shall direct respondents to produce any and all books, papers, correspondence, memoranda, contracts, agreements, and other records and documents, in their possession, custody or control relating to their operations in the Metropolitan District and the apparent transfer of control from ResponseCare to LifeStar Response.

THEREFORE, IT IS ORDERED:

1. That an investigation of respondents' operations and affiliation in the Washington Metropolitan Area Transit District is hereby initiated under Article XIII, Section 1, of the Compact.

2. That respondents are hereby directed to produce, within thirty days from the date of this order, any and all books, papers, correspondence, memoranda, contracts, agreements, and other records and documents, including any and all stored electronically, that are within respondents' individual or joint possession, custody or control and which relate to the transportation of passengers for hire between points in the Metropolitan District during the period beginning January 1, 1998, and ending on the date of this order, including, but not limited to:

- a. any and all correspondence concerning the transfer of customer accounts and vehicles;
- b. any and all customer invoices;
- c. any and all invoices from other carriers;
- d. any and all bank records;
- e. any and all tax returns;
- f. any and all vehicle insurance records;
- g. any and all vehicle registration cards.

² Compact, tit. II, art. XIII, § 1(e).

³ Compact, tit. II, art. XIII, § 6(f).

⁴ Compact, tit. II, art. XIII, § 6(f).

3. That each respondent is hereby directed to file, within thirty days from the date of this order, a current list of its officers, directors and shareholders, and copies of any correspondence and/or agreements between or among respondents and/or their shareholders.

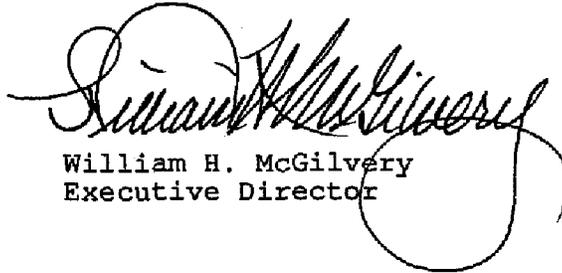
4. That respondents shall have thirty days from the date of this order to show cause why a civil forfeiture should not be assessed for knowing and willful violation of the Compact.

5. That respondents may file within 15 days from the date of this order a request for oral hearing, specifying the grounds for the request, describing the evidence to be adduced and explaining why such evidence cannot be adduced without an oral hearing.

6. That Certificates of Authority No. 310 and 440 shall stand automatically suspended upon respondents' failure to timely respond to this order.

7. That in the event said certificates of authority are suspended pursuant to the preceding paragraph, respondents shall have thirty days thereafter to show cause why said certificates of authority should not be revoked for failure to comply with the requirements of this order.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS ALEXANDER, LIGON, AND MILLER:



William H. McGilvery
Executive Director

